

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SEAN T. WILEY,

Plaintiff,

v.

9:19-CV-0652  
(GTS/CFH)

VERONICA FERNANDEZ, Warden, Raybrook F.C.I.;  
KIMBERLY BURDO, Hosp. Admin., Raybrook F.C.I.,  
f/k/a Kim Berdo; and UNITED STATES OF AMERICA,

Defendants.

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APPEARANCES:

OF COUNSEL:

SEAN T. WILEY, 09137424  
Plaintiff, *Pro Se*  
Allenwood U.S. Penitentiary  
Inmate Mail/Parcels  
P.O. Box 3000  
White Deer, Pennsylvania 17887

HON. CARLA B. FREEDMAN  
U.S. Attorney for the N.D.N.Y.  
Counsel for Defendants  
P.O. Box 7198  
100 South Clinton Street  
Syracuse, New York 13261

RANSOM P. REYNOLDS, III, ESQ.  
Assistant U.S. Attorney

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by Sean T. Wiley (“Plaintiff”) against Warden Veronica Fernandez, Hospital Administrator Kim Burdo, and the United States of America (“Defendants”), are (1) Defendants’ motion for summary judgment, and (2) United States Magistrate Judge Christian F. Hummel’s Report-

Recommendation recommending that Defendants’ motion be granted and that Plaintiff’s claims be dismissed with prejudice. (Dkt. Nos. 90, 113.) The parties have not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel’s thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein, and Defendants’ motion for summary judgment is granted.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel’s Report-Recommendation (Dkt. No. 113) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants’ motion for summary judgment (Dkt. No. 90) is **GRANTED**; and it is further

**ORDERED** that the remaining claims asserted in Plaintiff’s Amended Complaint (Dkt. No. 13) – i.e., Plaintiff’s claims against Defendants Fernandez, Burdo, and the United States of

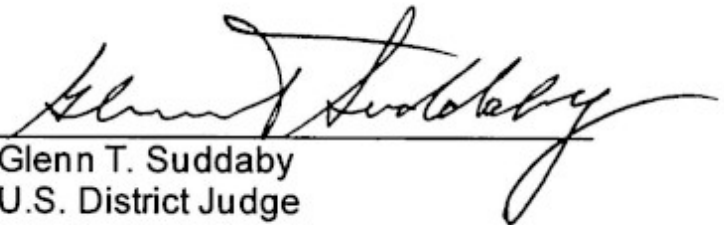
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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; *see also* *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).

America – are **DISMISSED** with prejudice; and it is further

**ORDERED** that the Clerk of Court shall issue a Judgment for Defendants and close this action.

Dated: February 26, 2024  
Syracuse, New York



Glenn T. Suddaby  
U.S. District Judge